



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE:

November 29, 2011

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

40 November 29, 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**GRANT OF EASEMENT
FROM THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
TO SUNESYS, LLC
PROJECT 275-447 - PARCEL 1GE
IN THE CITY OF LAKEWOOD
(SUPERVISORIAL DISTRICT 4)
(3 VOTES)**

SUBJECT

This action will allow the Los Angeles County Flood Control District to grant an easement to Sunesys, LLC, for fiber optic aerial crossing purposes over a portion of Project 275-447, Parcel 1GE, in the City of Lakewood.

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY
OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Find the proposed grant of easement for fiber optic aerial crossing purposes and the subsequent use of said easement will not interfere with the use of Project 275-447, Parcel 1GE, for any purposes of the Los Angeles County Flood Control District.
2. Approve the proposed grant of an easement for fiber optic aerial crossing purposes from the Los Angeles County Flood Control District to Sunesys, LLC, over a portion of Project 275-447, Parcel 1GE, in the City of Lakewood for \$2,750.

3. Instruct the Mayor, Board of Supervisors of the Los Angeles County Flood Control District, to sign the Easement document and authorize delivery to Sunesys, LLC.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to obtain approval from your Board, acting as the governing body of the Los Angeles County Flood Control District (LACFCD), to allow the LACFCD to grant an easement for fiber optic aerial crossing purposes over a portion of Project 275-447, Parcel 1GE, in the City of Lakewood to Sunesys, LLC (Sunesys). Sunesys requested the easement to provide service to the Bellflower Unified School District.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). The revenue received from this transaction will help promote fiscal responsibility for the operation and maintenance of flood control facilities. This transaction allows for the continuation of utility services to the area, thereby improving the quality of life for residents of the County of Los Angeles.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The cost of the easement is \$2,750, which represents the fair market value. This amount has been deposited into the Flood Control District Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Parcel 1GE is located over Project 275-447 between Downey and Verdure Avenues in the City of Lakewood.

The proposed grant of easement is authorized by Section 2, paragraph 13, of the Los Angeles County Flood Control Act. This Section provides as follows: "Said Los Angeles County Flood Control District is hereby declared to be a body corporate and politic, and as such shall have the power...13. To lease, sell or dispose of any property (or any interest therein) whenever in the judgment of said board of supervisors said property, or any interest therein or any part thereof, is no longer required for the purposes of said district..."

The Honorable Board of Supervisors
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The proposed grant of easement is not considered adverse to the LACFCD's purposes and will not hinder the use of Project 275-447 for possible transportation, utility, or recreational corridors. Moreover, the Easement document reserves paramount rights for LACFCD purposes.

County Counsel approved the Easement document as to form and, subsequent to your action on this matter, the document will be recorded.

ENVIRONMENTAL DOCUMENTATION

On July 6, 2010, Agenda Item No. 32, your Board found this project categorically exempt from the provisions of the California Environmental Quality Act.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action allows for the joint use of the LACFCD's right of way without interfering with the primary mission of the LACFCD.

CONCLUSION

Please return one adopted copy of this letter and the executed original Easement document to the Department of Public Works, Survey/Mapping & Property Management Division. Retain the duplicate for your files.

Respectfully submitted,



GAIL FARBER
Director of Public Works

GF:SGS:mc

Enclosure

c: Auditor-Controller (Accounting Division - Asset Management)
Chief Executive Office (Rita Robinson)
County Counsel
Executive Office

DUPLICATE

RECORDING REQUESTED BY
AND MAIL TO:

Sunesys, LLC
1325 Pico Street, Suite 106
Corona, CA 92881-6471
Attention Hector Aguilera
Regional Right-of-Way Manager

Documentary Transfer Tax is \$ _____
() computed on full value of property conveyed, or
() computed on full value less value of liens and
encumbrances remaining at time of sale
LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

Space Above This Line Reserved for Recorder's Use

Assessor's Identification Number:
7159-009-900 (Portion)

By _____

EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic (hereinafter referred to as DISTRICT), does hereby grant to SUNESYS, LLC, a Delaware limited liability company (hereinafter referred to as GRANTEE), an easement for fiber optic aerial crossing purposes, in, on, over, and across the real property in the City of Lakewood, County of Los Angeles, State of California, described in Exhibit A attached hereto and by this reference made a part hereof.

Subject to all matters of record and to the following reservation and conditions, which GRANTEE, by the acceptance of this Easement document and/or the exercise of any of the rights granted herein, agrees to keep and perform, viz:

1. DISTRICT reserves the paramount right to use said land for flood control purposes.
2. GRANTEE agrees that it will not perform or arrange for the performance of any construction or reconstruction work in, on, over, and across the land herein described until the plans and specifications for such construction or reconstruction work shall have first been submitted to and been approved in writing by the Chief Engineer of the Los Angeles County Flood Control District. Such approval by DISTRICT shall not be interpreted or inferred as an endorsement or approval as to the design, accuracy, correctness, or authenticity of the information shown on the submitted plans and specifications. Furthermore, such approval cannot be relied upon for any other purpose or by any third party for any reason whatsoever. DISTRICT does not accept ownership or responsibility for the improvements.

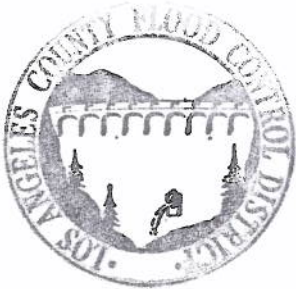
PROJECT 275-447 (Sunesys)
(File: 275-447)
Parcel 1GE
I.M. 054-237
S.D. 4 M1123008
Project ID: MPR0000438

DB:bw
P:\CONF\EASEFLOODTOLL.C.DOC 42211

3. GRANTEE shall indemnify, defend, and save harmless DISTRICT, its officers, agents, and/or employees, from any and all claims, demands, liability, loss, damage, or expense to which DISTRICT, its officers, agents, and employees may be subjected as the result of any act or omission by GRANTEE, its officers, agents, employees, or contractors arising out of the exercise by GRANTEE, its officers, agents, employees, or contractors of any of the rights granted to it by this Easement document.
4. It is expressly understood that DISTRICT will not be called upon to construct, repair, maintain, or reconstruct any structure or improvement to be erected or constructed pursuant to this Easement document.
5. The provisions and agreements contained in this Easement document shall be binding upon GRANTEE and its successors and assigns.

To the extent any lawful assessment be levied pertaining to the area to which this easement applies and to the extent that the assessment is based on the structures and improvements being constructed under the authority of this easement and provided further that the assessment be levied following GRANTEE's exercise of these easement rights to construct such structures and improvements, GRANTEE agrees to pay on behalf of DISTRICT that part of any such assessment levied against DISTRICT, which is based on the value contributed to that area by GRANTEE's said improvements.

Dated November 29, 2011



(LACFCD-SEAL)

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT,
a body corporate and politic

By Mike Antonovich
Mayor, Board of Supervisors of the Los Angeles
County Flood Control District

ATTEST:

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors of the
County of Los Angeles

By Ant
Deputy

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code that authorized the use of facsimile signatures of the Mayor of the Board on all papers, documents, or instruments requiring the Mayor's signature.

The undersigned hereby certifies that on this 29th day of November, 20 11, the facsimile signature of MIKE ANTONOVICH, Mayor of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, was affixed hereto as the official execution of this document. The undersigned further certifies that on this date a copy of the document was delivered to the Mayor of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.



(LACFCD-SEAL)

APPROVED AS TO FORM

ANDREA SHERIDAN ORDIN
County Counsel

By Carole Suzuki
Deputy

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By [Signature]
Deputy

APPROVED as to title and execution, _____, 20____.
DEPARTMENT OF PUBLIC WORKS Survey/Mapping & Property Management Division
Supervising Title Examiner
By _____

EXHIBIT A

File with: **PROJECT 275-447 PARCEL 1**
A.I.N. 7159-009-900 (portion)
T.G. 765 (J2)
I.M. 054-237
S.D. 4
M1123008

LEGAL DESCRIPTION

PARCEL NO. 1GE (Grant of easement for fiber optic aerial crossing purposes):

That portion of Lot 198, Tract No. 16349, as shown on map recorded in Book 430, pages 12, 13, and 14, of Maps, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, within a strip of land 10 feet wide, lying 5 feet on each side of the following described centerline:

Commencing at the northeasterly corner of said Lot 198; thence South 0°23'28" East, along the easterly line of said Lot 198, a distance of 118 feet to a point in a line parallel with and 148 feet southerly, measured at right angles, from the centerline of Michelson Street, 60 feet wide, as shown on said map of Tract No. 16349, said point being the TRUE POINT OF BEGINNING; thence South 89°38'11" West, along said parallel line, a distance of 50 feet to the westerly line of said Lot 198.

The sidelines of the above-described 10-foot-wide strip of land shall be prolonged or shortened at their beginnings so as to terminate in said easterly line and shall be prolonged or shortened at their ends so as to terminate in said westerly line.

Containing: 500 ± square feet



APPROVED AS TO DESCRIPTION	
MARCH 10, 2011	
COUNTY OF LOS ANGELES	
By	
LICENSED SURVEYOR	
Survey/Mapping and Property Management Division	